

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MAR-CONE APPLIANCE PARTS CO.,

Plaintiff,

v.

ORDER
10-CV-999A

MICHAEL MANGAN,
SERVALL COMPANY,

Defendants.

MICHAEL MANGAN,

Third-Party Plaintiff,

v.

JOHN GIARDINO,
ADAM GREENBERGER,

Third-Party Defendants.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On June 4, 2012, Magistrate Judge Foschio filed a Report and Recommendation, recommending that third-party defendants John Giardino and Adam Greenberger's motion to dismiss be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons

set forth in Magistrate Judge Foschio's Report and Recommendation, third-party defendants John Giardino and Adam Greenberger's motion to dismiss is granted.

The case is referred back to Magistrate Judge Foschio for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: July 20, 2012